

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

First City Bank of Florida, <i>Plaintiff,</i> v. William R. McKelvy; <i>et al.</i> , <i>Defendants.</i>	2:2017-CV-00041-WKW-GMB
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MOTION TO RELEASE CASH BOND OBLIGATION

On May 19, 2017, the Court granted Plaintiff's Agreed Motion for Appointment of a Receiver (Doc. #46), appointing Thomas R. Averett of Warren, Averett, LLC, as Receiver over various Defendant entities. (Doc. #97). The Court ordered that the \$25,000 cash bond previously paid into Court by Plaintiff in January 2017 to secure its injunction against the Defendants would secure the appointment of the Receiver. The cash bond paid by Plaintiff remains on deposit with the Clerk of Court.

Plaintiff respectfully moves the Court to enter an Order directing the Clerk of Court to release, return, and disburse the \$25,000 cash bond to Plaintiff. In support, Plaintiff states that no third-party claims have been made against the Receiver and none are expected. No harm will result from release of the cash bond, the Receiver does not object to its release, and no law requires that the Receiver be secured by a bond. Plaintiff, a small bank, requires the cash to sustain its operations and maintain appropriate capital. Finally, release of the cash

bond would be consistent with the Court's Final Judgment (Doc. #123) entered on January 31, 2018, and the Clerk's closing of the case on the same date.

s/ Joel Connally

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of February, 2018, service of this pleading will be made on each party represented by counsel via electronic transmission and each unrepresented party by private process or delivery by the United States Postal Service to the last-known address for each.

s/ Joel Connally

Joel Connally
Attorney for Plaintiff